

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LELBERT L. WILLIAMS,  
Plaintiff,

v.

CITY OF SPOKANE POLICE  
DEPARTMENT,

Defendant.

NO: 2:14-cv-00209-JTR

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING COMPLAINT

**1915(g)**

BEFORE THE COURT is Magistrate Judge Rodgers' Report and Recommendation to Dismiss the First Amended Complaint for failure to state a claim upon which relief may be granted and to count such dismissal as a "strike" under 28 U.S.C. § 1915(g). ECF No. 10. Plaintiff, a prisoner at the Spokane County Jail, is proceeding *pro se* and *in forma pauperis*. Defendants have not been served.

There being no objections, **IT IS ORDERED** that the Report and Recommendation, ECF No. 10, is **ADOPTED IN ITS ENTIRETY**. The First Amended Complaint, ECF No. 9, is **DISMISSED with prejudice** for failure to

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1 state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and  
2 1915A(b)(1).

3 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who  
4 brings three or more civil actions or appeals which are dismissed as frivolous or for  
5 failure to state a claim will be precluded from bringing any other civil action or  
6 appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious  
7 physical injury.” 28 U.S.C. § 1915(g). **Plaintiff is advised to read the new**  
8 **statutory provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff’s**  
9 **complaint may count as one of the three dismissals allowed by 28 U.S.C. §**  
10 **1915(g) and may adversely affect his ability to file future claims.**

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
12 Order, enter judgment, forward copies to Plaintiff at his last known address, and  
13 close the file. The District Court Executive is further directed to forward a copy of  
14 this Order to the Office of the Attorney General of Washington, Criminal Justice  
15 Division. The Court certifies any appeal of this dismissal would not be taken in  
16 good faith.

17 **DATED** this 5th day of November 2014.

18  
19  
20 s/ Rosanna Malouf Peterson  
ROSANNA MALOUF PETERSON  
Chief United States District Court Judge